

ORDINANCE NO. 18
Series 2010

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
BUENA VISTA, COLORADO, APPROVING THE AMENDED PUD
DEVELOPMENT PLAN AND REGULATING CODE FOR THE
VILLAGES AT COTTONWOOD MEADOWS.**

WHEREAS, in May 2010, The Meadows at Buena Vista, Inc. ("Petitioner") in May 2010, the Petitioner filed with the Town of Buena Vista Clerk an application for an amended Planned Unit Development Plan for review and approval, which Planned Unit Development Plan is available for inspection in the office of the Town Clerk; and

WHEREAS, on June 16, 2010, the Town of Buena Vista Planning Commission recommended that the Board of Trustees approve by resolution the PUD Development Plan for the Property; and

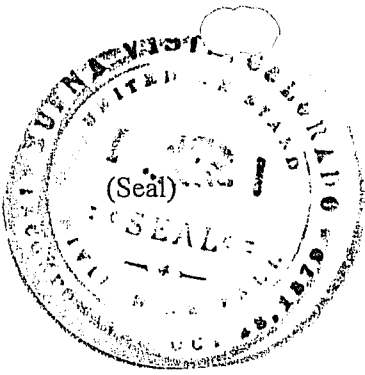
WHEREAS, at a duly-noticed public hearing on June 22, 2010, the Board of Trustees reviewed the PUD Development Plan for the Property; and

WHEREAS, the Board of Trustees, desires to approve the amended PUD Development Plan for the Property.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, ORDAINS THAT:

1. The Board of Trustees incorporates the foregoing recitals as findings by the Board of Trustees.
2. That certain amended PUD Development Plan is hereby approved. Copies of the PUD Development Plan are available for inspection at the office of the Town Clerk during regular business hours; the PUD Regulating Code is attached as Exhibit A.
3. The Petitioner shall comply with all of the Petitioner's representations made in any applications and in statements during the Public Hearings before the Planning Commission and Board of Trustees. Except as specifically modified, the Petitioner shall comply in full with the requirements of the Buena Vista Municipal Code and the requirements of the Town of Buena Vista Public Works Standards, as may be adopted and amended from time to time.
4. The Town Clerk is hereby further directed to record this Ordinance in the Office of the Clerk and Recorder of Chaffee County.
5. Effective Date. The effective date of this ordinance shall be thirty (30) days after publication.

ORDAINED, APPROVED AND ADOPTED this 22nd day of June, 2010.




389035
2 of 32

7/29/2010 8:00 AM
ORD R\$166.00 D\$0.00

JOYCE M. RENO
Chaffee County Clerk

TOWN OF BUENA VISTA, COLORADO


Mayor, Joel Benson

ATTEST:


Town Clerk, Diane Spomer

Exhibit A

PUD REGULATING CODE

A. Preamble, Application, and Reference.

There follows the Regulating Code (hereafter “Regulating Code” or “Code”) adopted by the Town for the Cottonwood Meadows PUD. This Code, supplemented by the PUD Plan and The Villages at Cottonwood Meadows (1) Development Standards, (2) Design Guidelines, and (3) Common Interest Community Declaration (collectively the “Regulating Documents”) govern the uses of all residential and commercial properties and to some extent the common elements property (Open Space including the Community Supported Agriculture Space as shown on the PUD Plan) covered by the PUD to achieve the Mountain Village Plan envisioned by the Developer. The Town Code applies in those circumstances not covered by the Regulating Documents.

This Code is intended to regulate the development of the Cottonwood Meadows PUD (“PUD”) to enhance the best features of a Mountain Village Plan which integrate an extension of the historic mountain town of Buena Vista with traditional neighborhood principles in a manner to preserve mountain streams, riparian areas, farming, and local culture. The Mountain Village Plan is designed to eliminate sprawl by generating transportation choices, preserving refreshing spaces and offering an alternative to traditional zoning which emphasizes separation instead of integration of the values of community life. The Code is based on the following values:

- **Walkability** to meet most needs and maintain health.
- **Connectivity** to disperse traffic and encourage walking.
- **Integration** by combining residential, retail and recreational uses.
- **Diversity** by providing a range of housing types, sizes and prices.
- **Architecture** that emphasizes beauty, aesthetics, comfort and a sense of place.
- **Small town America** by preserving open space and farm land.

- **Density** to create balance between development and natural spaces.
- **Sustainability** to enhance respect for the environment, open space and connection to locally grown food.
- **Sound design principles** which make life worth living by enriching, uplifting and inspiring the human spirit.
- **Wildlife experience** occasioned by the balanced interaction between residents and the majestic wildlife of the Rocky Mountains.

B. **Definitions.**

As used in the PUD, the following terms shall have the meanings provided below:

1. ***Accessory Dwelling Unit (ADU)*** is defined at Section 16-257 of the Town Code with the exception that the minimum size of an ADU is 350 square feet. An ADU is a dwelling unit intended to provide increased affordable housing opportunities within the Town and to facilitate housing in close proximity to places of employment. ADU's are not permitted in the Senior Living Block.
2. ***Active Independent Housing*** means a cottage or apartment located within the Senior Living Block, and characterized by one or two bedroom units, having full kitchens, closet space, and emergency call systems. Each unit may be rented or condominiumized and sold.
3. ***Agricultural Activities*** means activities associated with the science or art of farming, work of cultivating the soil, producing crops and raising livestock including haying, grazing, raising of small and large domesticated livestock, rare-breed livestock, conservation, dairy products, meat and eggs, and cultivation of ground for fruits, vegetables, and flowers.
4. ***Apartment*** means a dwelling unit intended for rental which shares a building and a lot with other dwelling.

5. ***Assisted Living Residence*** means a residential facility that makes available to three or more adults not related to the owner of such facility, either directly or indirectly through an agreement with the resident, room and board and at least the following services: personal services, protective oversight, social care due to impaired capacity to live independently, and regular supervision that shall be available on a twenty-four-hour basis, but not to the extent that regular twenty-four-hour medical or nursing care is required. The term "assisted living residence" does not include any facility licensed in this state as a residential care facility for individuals with developmental disabilities, or any individual residential support services that are excluded from licensure requirements pursuant to rules adopted by the Colorado Department of Public Health and Environment.

6. ***Awning*** means an architectural projection roofed with flexible material supported entirely from the exterior wall of a building.

7. ***Balcony*** means a small open-air platform with railings connected to a building on upper stories supported by either a cantilever or brackets.

8. ***Bed and Breakfast*** means a small owner operated business containing not more than six lodging units in a private residence which serves breakfast as part of the lodging cost to guests.

9. ***Building*** means a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or property of any kind. If more than one building is located on a lot, the main residential or commercial building on the lot is a "primary building", and the secondary or supplemental structure located on the side or back is a "back building" such as a garage, shed or ADU.

10. ***Building Height*** means the vertical distance from the average lot pre-construction grade within 15' of the perimeter of the building, or sidewalk at frontage

line, whichever is higher, to the building cornice for building with a parapet or the mid-point of the roof between the peak and the eaveslope for peaked roof buildings.

11. ***Build-to Line*** means the line along which the front wall of the building shall be built. The Build-to Line is specified for each lot in the Development Standards.

12. ***Build-to Zone*** means the zone within which the front wall of the building shall be built. Porches, balconies, bay windows, stoops, awnings, and other architectural elements may encroach into this Zone. The Build-to Zone is specified for each lot in the Development Standards.

13. ***Church or places of worship*** means a building or site set apart or designated for public worship or religious services.

14. ***Child Care Center*** means a state-licensed facility, by whatever name known, that is operated for the whole or part of a day for the care of five (5) or more children eighteen (18) years of age or younger who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and/or with or without stated educational purposes. The term shall not include any dwelling licensed as a foster care home by the State or other government agency, but does include, without limitation, facilities commonly known as day care centers, before-school and after-school centers/homes and pre-schools.

15. ***Civic Site*** means a building, structure, or site that is primarily used for public or community purposes such as a community center, library, town government, picnic shelter, or other similar public-sector facility. Civic sites may be publicly or privately owned.



16. ***Colonnade*** means a covered open-air walkway at standard sidewalk level attached to or integral with the building frontage where structure overhead is supported by columns or arches.

17. ***Commercial Indoor Recreation Facility*** means a commercial recreational land use conducted entirely within a building, including, by way of example, arcade, art gallery and studio, art center, athletic and health clubs, auditorium, club or lounge, cultural events, exhibit hall, gymnasium, museum, performance theater, pool or billiard hall, or swimming pool.

18. ***Commercial Outdoor Recreation*** means a recreational land use conducted outside of a building including, by way of example, athletic fields, miniature golf, skateboard park, swimming, bathing, wading and other therapeutic facilities, tennis, handball, basketball courts, batting cages, and trampoline facilities.

19. ***Commercial Use*** means a business or activity involving the sale or exchange of services, goods, or commodities at retail and includes offices, restaurants, and bars.

20. ***Community Supported Agriculture (CSA)*** means Agriculture Activities and facilities associated with the production of agricultural commodities, such as vegetables, eggs, meats, milk, fruits and flowers, for distribution to local consumers who may purchase these commodities by member shares or through farmers' markets, for sales to local or regional restaurants or other retailers, and for educational purposes.

21. ***Condominium*** is a common interest community defined by Section 38-33.3-103(8), C.R.S., in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions.

22. ***Condominium Unit*** is an individual air space unit together with the interest in common elements appurtenant to such unit, the boundaries of which are described in or determined from a recorded condominium plat or map.

23. ***Congregate Senior Housing*** means units similar to Active Independent Housing where there are provided at least these services: three meals per day, weekly housekeeping, laundry services, social programs, wellness programs, and transportation.

24. ***Construction Materials Recycling*** means an array of orderly receptacles used for the purpose of recycling construction waste products.

25. ***Cottage*** means a small, one or two story dwelling unit not exceeding 1,600 square feet.

26. ***Declaration*** means the Common Interest Community Declaration for the Villages at Cottonwood Meadows as last recorded and amended in the Chaffee County records.

27. ***Design Guidelines*** means that document promulgated and published by Developer or the Design Review Board with Developer's consent during the period of Declarant Control and with the Association's consent after the period of the Declarant Control, as such terms are defined in the Declaration, as amended from time to time, which sets forth information to provide property owners, architects and builders with a set of parameters for the preparation of their designs and specifications and which allow flexibility for creative building solutions while being prescriptive enough to preserve the design aesthetics required by the Mountain Village Plan described in the Preamble. Enforcement of the Design Guidelines will be the responsibility of the Design Review Board.

28. ***Design Review Board*** means the committee created and established by and pursuant to the Declaration which is responsible for the administration of the



Development Standards and the Design Guidelines. The Town is not responsible for the administration of the Development Standards or the Design Guidelines.

29. ***Development Standards*** means that document promulgated and published by Developer or the Design Review Board with the Developer's consent during the period of Declarant Control and with the Association's consent after the period of Declarant Control, as such terms are defined in the Declaration, amended from time to time, setting forth Urban Standards and Landscape Standards. The foregoing standards generally encompass the following subjects: landscape design specifications, criteria and guidelines, acceptability of components for buildings, structures, landscaping and all other improvements developed, constructed, erected, placed or installed upon a Lot.

30. ***Dog Park*** means a defined area of land, fenced or unfenced, within Open Space Property other than CSA space, reserved for the off-leash exercise of pets including dogs and cats.

31. ***Dwelling (or Dwelling Unit)*** means a Building, or a portion thereof, designed to be used by a person or a family for private residential purposes and which has its own separate entrance, permanent plumbing, and facilities for sleeping, bathing and cooking.

32. ***Dwelling (Multi-Family)*** means a Building designed and constructed on one or more contiguous lots to contain two or more Dwellings. Each Dwelling may be rented, sold, or condominiumized.

33. ***Dwelling (Single-Family)*** means a detached Building containing one Dwelling.

34. ***Family*** means any individual, or two (2) or more persons related by blood or marriage or between whom there is a legally recognized relationship, or a group of not more than six (6) unrelated persons occupying the same dwelling unit.

35. ***Façade*** means the front of a building parallel to the Build-to Line.

36. ***Frontage Line*** is the portion of the lot boundary line that coincides with a thoroughfare or a civic space such as a square, park, or Open Space.

37. ***Health Care Facility*** means a building offering medical services related to personal health care, including but not limited to medical, dental, chiropractic offices, out-patient surgery and related professional offices.

38. ***Kiosk*** means a small temporary or semi-permanent structure, including tents, often open on one or more sides (used as a newsstand or booth) and push carts. Kiosks may be used for retail uses, selling items such as refreshments and food, arts and crafts, T-shirts, and souvenirs.

39. ***Live/Work Unit*** means a Dwelling within which an at-home business is allowed. Within the Residential Mixed Use Zone (T3-RM), occupancy of a Live/Work Unit is limited as follows: 1) If the owner occupies the living portion of the unit and the working portion of the unit, such owner shall be allowed two employees. 2) If the owner occupies the living portion of the unit and rents the working portion of the unit, the tenant of the working unit will be allowed two employees. 3) If the owner rents the living portion of the unit and occupies the working portion of the unit, the owner will be allowed one employee. 4) If the owner occupies neither the living nor working portions of the Live/Work Unit, then the tenant of the working portion of the unit shall be allowed two employees.

40. ***Lodging Unit*** means a room intended for occupancy by a paying guest or guests on a temporary or transient basis, usually not exceeding thirty (30) days within a 365 day period, and where no full kitchen or other food preparation facilities are provided.

41. ***Lot Line, Interior*** means the lot line that defines the boundary between two adjacent lots, not facing a street or public space.

42. ***Memory Care Unit*** means a private studio of approximately 400 square feet in a secured wing of an Assisted Living Facility.

43. ***Neighborhood Retail*** means a business or activity conducted in a building containing not more than 10,000 square feet of floor space which involves the sale or exchange of services, goods, or commodities primarily for the residents of the surrounding neighborhood.

44. ***Office*** means a building for the transaction of general professional business including but not limited to accountants, engineers, architects, and lawyers but excluding retail, artisan, and manufacturing uses.

45. ***Open Space Property*** means all undeveloped land within the Property including CSA Space, HOA Open Space, Trail Property, Public Property and Park Open Space as shown on the PUD Zoning Map.

46. ***Outlot*** means a conveyable parcel of land reserved by the Developer for purposes determined by the Developer but which cannot be used for residential purposes There are four Outlot parcels covered by and shown on the PUD Plan, namely: 1) Water Tank Site, 2) Easement Site, 3) Outlying Parcel and 4) Civic Site V1-6. Civic Site V1-6 shall be used for community purposes.

47. ***Personal Service Establishments*** means buildings providing non-medically related services including, but not limited to, beauty and barber shops, clothing rental, dry cleaning pick-up stores, laundromats, shoe repair shops, massage services, tailor shops and similar uses.

48. ***Property*** means the real property covered by the PUD.

49. ***PUD*** means the planned unit development approved by the Town.

50. **PUD Plan** means a plat or series of plats approved by the Town confirming the Developer's PUD zoning, and the notes thereon which together specify the uses, restrictions and regulations relating to the use of the property covered thereby.

51. **Regulating Documents** means the Development Standards, the Design Guidelines, and the Declaration.

52. **Regulating Plan** means the PUD Plan.

53. **Senior Living Block** means a parcel of land shown on the PUD Plan for use as a Senior Living Facility.

54. **Senior Living Facility** means an Assisted Living Residence and adjunctive uses including Active Independent Living, EMS substation and related uses.

55. **School or Other Educational Institutions** means buildings, public or private, which offer a general or specialized educational curriculum such as vocational, language, business, music, dance, and art schools.

56. **Short-Term Accommodations** means one or more buildings containing one or more Lodging Units for hotels, motels, and rental uses.

57. **Special Uses** means those uses permitted as special uses in the Zone District Regulations contained in Section C of this Code. Special uses are permitted following application therefor and approval by the Design Review Board and Town Code Section 16-61. Special uses shall be approved if the applicant shows by a preponderance of the evidence that the special use requested (i) is compatible with adjoining uses, (ii) does not unreasonably increase traffic, (iii) does not unreasonably impede pedestrian access or parking availability, and (iv) does not infringe on the values contained in Section A of this Code.



58. ***Storage*** means the stockpiling or keeping of materials, products, equipment or goods utilized in association with the principal building on the lot whether enclosed or unenclosed, outdoor, or screened or unscreened.

59. ***Stoop*** means a small platform or entrance stairway at a house door no larger than 5' by 6'.

60. ***Temporary Use*** means a use allowed on a non-permanent and temporary basis by the Regulating Documents by permit from the Design Review Board and by permit from the Town pursuant to Section 16-63 of the Town Code.

61. ***Town*** means the Town of Buena Vista.

62. ***Town Code*** means the Town of Buena Vista Municipal Code.

63. ***Townhouse (or Rowhouse)*** means an attached Single Family Dwelling unit located on land owned by the unit owner and situated in a row of two or more similar horizontally attached Dwelling Units, each unit having its own separate water, sanitary sewer, ventilation and heating system, inclusive of separate utility service lines and meters, and being separated from attached adjacent Dwelling Units by a fire-resistant common wall constructed in conformity with the Town's uniform fire and building codes.

64. ***Trail Property*** means a permanent easement over and across the Open Space including constructed bridges as shown on and in the dimensions shown on a Final Plat for equestrian, pedestrian, bicycling, fishing and carriage purposes and not for any motorized vehicles except those used for maintenance, emergency, agriculture and construction purposes. All uses may be restricted according to reasonable standards.

65. ***Trails*** mean improved or unimproved paths on Trail Property as shown and in the dimensions shown on a Final Plat.



66. ***Veterinary Clinic*** means a building offering medical services related to small animal health care.

67. ***Walkable Neighborhood*** means a high level of connectivity and accessibility for pedestrians and non-motorized transportation on a network of conveniently located connecting trails, sidewalks and alleys.

68. ***Water Feature*** means a recreational or aesthetic water use such as small watercourses, drainage facilities, ditches, ponds, wading pools, or fountains.

69. ***Yurt*** means a circular tent with a framework placed on a platform without connecting utilities utilized for temporary overnight use and farm-related educational programs

70. ***Zone District*** means the area classified by the PUD for use and building control as contained in this Code.

C. **Zone District Regulations.**

There follow definitions for each of the PUD Zone Districts, which include permitted uses by right, special uses which require application and approval, and temporary uses which require application and approval unless authorized by this Code or the Regulating Documents. It is the intent of this Code that any use not specifically identified as permitted in a Zone District shall be prohibited in that Zone District.

Other terms used herein but not defined shall have the meanings, if any, contained in the Town Code and, if none, then a common sense meaning.

The Town has approved the PUD Plan which shows the PUD Zone Districts thereon. The Property shall be within the Agriculture District until such portion of the same is covered by a final plat approved by the Town at which time such portion shall be within the zone district shown in the PUD Plan without further action of the Town. That portion of the Property shown in the PUD Plan as being in the Open Space District shall be within the Open

Space District at such time as any of the Property contiguous thereto becomes within a zone district in the PUD Plan other than the Agriculture District.

1. ***Mixed Use District (T4-MU)***

The "Mixed Use District" is intended to provide a diverse variety of neighborhood compatible uses including residential, commercial, neighborhood retail, office space, and common space designed to create centers of activity within a pedestrian-friendly neighborhood.

Permitted Uses:

- (a) Active Independent, Congregate Senior Housing, Assisted Living Residence, and Memory Care Unit
- (b) Bed and Breakfast
- (c) Child Care Center
- (d) Civic Building
- (e) Commercial and Office
- (f) Commercial Indoor Recreation Facility
- (g) Health Care Facility
- (h) Live/Work Unit
- (i) Multi-Family Dwelling
- (j) Neighborhood Retail
- (k) Personal Service Establishments
- (l) Single-Family Dwelling
- (m) Storage which is screened and which does not exceed two hundred square feet used in association with a Permitted Use
- (n) Theater
- (o) Uses permitted in the Town B-1 General Business District
- (p) Uses expressly shown on the PUD at specific locations including the EMS substation, the lodge, the spa, and the Civic Sites

Special Uses:

- (a) Accessory Dwelling Units



- (b) Bar or Tavern
- (c) Church or Place of Worship
- (d) Commercial Outdoor Recreational Facility
- (e) Liquor sales off-premise
- (f) Lodging with more than six units, or spa, or both at a place other than the Lodge site indicated in the PUD Plan
- (g) School or Other Educational Institution
- (h) Short-Term Accommodations except in locations specifically identified in the PUD plan
- (i) Storage which is screened, in excess of 200 square feet and used in conjunction with a permitted use
- (j) Veterinary Clinic for small animals with indoor overnight facilities

Temporary Uses:

- (a) Construction Field Office
- (b) Kiosks

2. ***Residential Mixed District (T3-RM)***

The "Residential Mixed District" is intended to provide a mix of housing types, light businesses and common spaces to accommodate a wide variety of residents within a neighborhood.

Permitted Uses:

- (a) Bed and Breakfast
- (b) Live/Work Dwelling Unit
- (c) Multi-Family Dwelling
- (d) Neighborhood Retail
- (e) Short Term Accommodations with no more than 6 units
- (f) Single-Family Dwelling

Special Uses:

- (a) Accessory Dwelling Unit



- (b) Bar, tavern, or restaurant
- (c) Child Care Center
- (d) Church or Place of Worship
- (e) Civic Buildings
- (f) Commercial Indoor or Outdoor Recreational Facilities
- (g) Health Care Facility
- (h) Lodging Unit
- (i) School or Other Educational Institution
- (j) Short-Term Accommodations with more than 6 units
- (k) Storage which is screened and in excess of 200 square feet and used in conjunction with a permitted use
- (l) Veterinary Clinics not providing overnight housing for animals

Temporary Uses:

- (a) Construction Field Office
- (b) Kiosks

3. ***Residential District (T3-R)***

The "Residential District" is intended to provide residential suburban neighborhoods of mid to low density with relatively deep setbacks. Blocks may be large and roads of varying widths as shown on approved PUD Plan to accommodate natural conditions.

Permitted Uses:

- (a) Bed and Breakfast
- (b) Home Office
- (c) Single Family Dwelling
- (d) Overnight Camping for educational purposes not to exceed three (3) nights.

Special Uses:

- (a) Accessory Dwelling Unit
- (b) Child Care Center

- (c) Commercial Outdoor Recreational Facility
- (d) Church or similar Place of Worship
- (e) School or Other Educational Institution

Temporary Uses:

- (a) Construction Field Office

4. ***Open Space CSA Reserve (T2-A)***

The Community Supported Agriculture Reserve is designated open space intended to keep historically irrigated land in agricultural production and to provide facilities for CSA activities in a manner supporting the PUD, and integrating the interests of both. Colorado is a "Right to Farm" state pursuant to CRS 35-3.5-101 et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of agricultural operations as a normal and necessary aspect of living in a community with a strong rural character and healthy agricultural sector. State Law provides that ranching, farming or other agricultural activities and operations within the PUD shall not be considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner.

Permitted Uses:

- (a) Agricultural Activities including haying, grazing, raising of a mix of small and large domesticated livestock for education, rare-breed livestock, conservation, dairy products, meat, eggs, cultivation of ground for fruits, vegetables, and flowers
- (b) Educational programs
- (c) Facilities to include: two (2) caretaker homes to include accommodations for the farmer family and no more than four (4) interns each, greenhouse, barn, milking parlor, animal barns, pens and sheds, CSA distribution center, equipment storage buildings, vegetable and egg handling building, irrigation facilities including sprinkler/pump systems, windmills, and corrals and fencing. The

siting and architectural style of all CSA facilities will be subject to review and approval by the Design Review Board

- (d) Limited active and passive recreation for residents at designated areas and times
- (e) Neighborhood Retail related to CSA and other locally grown products
- (f) Trails
- (g) Uses expressly shown on the PUD at specific Civic Site locations
- (h) Water Features

Special Uses:

- (a) Special uses upon application and approval.

Temporary Uses:

- (a) Construction Field Office
- (b) Construction Materials Recycling
- (c) Kiosks
- (d) Overnight camping for educational purposes for more than three (3) nights.
- (e) Private events such as but not limited to weddings and birthday parties
- (f) Yurts

5. Open Space District (T2-O)

The Open Space District is to provide areas for drainage structures, wildlife, and active and passive recreation for residents and, as to publicly dedicated Open Space Property, the public. The Town regulates uses in its public parks.

Permitted Uses:

- (a) Barbecue areas with outside cooking facilities, tables, and benches
- (b) Community Gardens
- (c) Dog Park
- (d) Parks, both developed and undeveloped
- (e) Playground Equipment

- (f) Trails
- (g) Utility Buildings associated with Open Space maintenance
- (h) Water Features such as fountains, ponds, ditches, and drainage facilities
- (i) Uses expressly shown on the PUD plan at Civic Site locations

Special Uses:

- (a) Any use involving outdoor recreation and customarily associated with use of open space.

Temporary Uses:

- (a) Commercial Outdoor Recreation and Cultural Events
- (b) Construction Field Office
- (c) Construction Materials Recycling
- (d) Kiosks
- (e) Private events such as but not limited to weddings and birthday parties

6. Agriculture District

The Agriculture District is intended to provide for all agricultural, farming, ranching, and other uses to accommodate the local economy and scenic beauty of the Property until development takes place.

Permitted Uses:

- (a) Agricultural Activities.
- (b) Greenhouses and nurseries
- (c) Residential housing used for agriculture purposes
- (d) Dairies, poultry and egg production, hatcheries and fish culture
- (e) Barns, sheds, and shelters necessary for the operation of agriculture
- (f) Living quarters for agricultural employees

Special Uses:

None

Temporary Uses:

None

7. *Variances.*

Variances from these zone district regulations shall be by application to and permit from the Town pursuant to Section 16-62 of the Town Code.

D. *Regulations of General Application*

1. *Street Standards*

All streets and walkways within the PUD have been assigned designations that are shown on the PUD Plan. These designations are widely accepted and used nation-wide in Traditional Neighborhood Developments (TNDs). Street Standards shall be according to the typical Street Section criteria presented in the following Table/Diagram and may be modified as provided in Section D(8). Additionally, Design Standards pursuant to Section 17-57(b) in the Town Code, or the Regulating Documents as approved by Town at time of final plating, shall be used in street and walkway design where applicable.

Street standards applicable to streets within the PUD are shown on the Annexation Master Plan/PUD Plan/Major Subdivision Sketch Plan for The Villages at Cottonwood Meadows prepared by Landmark Surveying & Mapping as Job No. 0509 and dated May 21, 2007 with a revision date of November 16, 2007, which plans are incorporated herein by this reference and available for inspection in the office of the Town Planner. The curb type and walkway type shown on the PUD Plan are not final and are subject to review and approval by Town staff at the time of preliminary plan. At all locations where curb and gutter are not installed, a concrete ribbon shall be installed at the edge of the pavement. Curb and gutter shall be

Draft 2/14/08

THOROUGHFARE TYPE	NAME	RIGHT OF WAY WIDTH (Feet)	PAVEMENT WIDTH (Feet)	DESIGN SPEED (MPH)	TRAFFIC LANES	PARKING LANES	CURB TYPE	CURB RADIUS (Feet)	PUBLIC FRONTAGE TYPE	WALKWAY TYPE	PLANTER TYPE	LANDSCAPE TYPE	SURFACE MATERIAL
Foot Path Pedestrian Path Pedestrian Path	FP-10-4	10'	4'	N/A	None	None	N/A	N/A	None	4' Path	None	Varies	Hard Pack Gravel
	PP-10-6	10'	6'	N/A	None	None	N/A	N/A	None	6' Path	None	Varies	Pavement
	PP-15-6	15'	6'	N/A	None	None	N/A	N/A	None	6' Path	None	Varies	Hard Pack Gravel/Asphalt/Concrete
Carriage Road Driveway	CR-20-10	20'	10'	5MPH	2	None	N/A	N/A	None	None	None	None	Gravel/Asphalt
	DW-20-12	20'	12'	5 MPH	2	None	N/A	N/A	None	None	None	None	Gravel
Alley	AL-20-20	20'	20'	10 MPH	2	None	Inverted Crown	25'	None	None	None	None	Asphalt/Gravel*
Lane	LA-24-12	24'	12'	10 MPH	2	None	Inverted Crown	25'	None	Path Optional	None	Clustered	Gravel
Road	RD-30-16	30'	16'	20 MPH	2	Opportunistic	Swale	25'	Porch & Fence, Common Lawn	Path Optional	Continuous Swale	Trees Clustered at 30' o/c Avg.	Chip Seal/Asphalt
Square	SQ-32-18	32'	18'	20 MPH	1	One Side @ 7' Marked	Curb	15'	Porch & Fence, Common Lawn, Terrace/Light Court, Shop Front & Awning, Gallery, Arcade	6' Sidewalk on one side	Continuous Planter or Tree Well	Trees Clustered at 30' o/c Avg.	Asphalt
Road	RD-36-18	36'	18'	20 MPH	2	Opportunistic on Shoulders	Swale	25'	Porch & Fence, Common Lawn	Path Optional	Continuous Swale	Trees Clustered at 30' o/c Avg.	Asphalt
Road	RD-40-16	40'	16'	20 MPH	2	Opportunistic on Shoulders	Curb or Swale	15'	Porch & Fence, Common Lawn	Path Optional	Continuous Swale	Trees at 30' o.c. Avg. and Clustered	Asphalt
Road	RD-50-18	50'	18'	20 MPH	2	Both Sides on Stabilized Shoulder	Curb or Swale	15'	Porch & Fence, Common Lawn, Stoop	Path Optional	Open Swale	Trees Clustered at 30' o.c. Avg.	Asphalt
Drive	DR-50-25	50'	25'	25 MPH	2	One Side @ 7' Marked	Curb	15'	Porch & Fence, Common Lawn, Stoop	6' Sidewalk one side	Continuous Planter	Trees at 30' o.c. Avg.	Asphalt
Street	ST-50-25	50'	25'	25 MPH	2	One Side	Curb	15'	Porch & Fence, Common Lawn, Stoop, Forecourt, Terrace/Light Court, Shop Front & Awning, Gallery, Arcade	6' or 18' Sidewalk both sides	4x4 Tree well	Trees at 30' o.c. Avg.	Asp.
Street	ST-56-32	56'	32'	25 MPH	2	Both Sides 7' Marked	Curb	15'	Porch & Fence, Common Lawn, Stoop, Forecourt, Terrace/Light Court, Shop Front & Awning, Gallery, Arcade	6' Sidewalk both sides	6' Continuous Planter	Trees at 30' o.c. Avg.	Asphalt

Pavement type will be specified on Road Designation Table

Note: HOA maintained roads will not be accepted for dedication to the Town unless brought to Town street standards.

Pavement type will be specified on Road Designation Table

Pavement type will be specified on Road Designation T

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Chaffee County Clerk

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installed on all roads with lot frontage unless Developer can demonstrate at preliminary plan that the lots are not impacted by drainage issues.

2. ***Parking Standards***

Parking for uses within the Cottonwood Meadows PUD shall be based on the following requirements:

Required Parking Spaces by Use	
Single Family Residential	2 off street spaces per unit
Multi-Family Residential	1 bedroom unit: 1 off-street space per unit 2 or more bedroom units: 2 off-street spaces per unit
Live/Work Residential	2 off-street spaces per unit
Apartments in Live/Work Building	1 bedroom unit: 1 space per unit; space may be located on-street, off-street, or in one of the common parking lots within PUD 2 or more bedroom unit: 2 spaces per unit; space may be located on-street, off-street, or in one of the common parking lots within PUD
Accessory Dwelling Unit	1 off-street space per bedroom; maximum 2 spaces per unit
Child Care Center Church Civic Building Commercial Use Public and Private Office Restaurants and Bar School and Other Educational Institution	1 space per 400 square feet of floor space; spaces may be located on-street, off-street, or in one of the common parking lots within PUD

Bed and Breakfast Short Term Accommodations	1 space for each Lodging Unit; spaces may be located on-street, off-street, or in one of the common parking lots within PUD
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Since some parking may be located on-street and in common parking lots, approval for each use shall be based on the number of on-street and common spaces available within the PUD. Records of space availability shall be maintained initially by the Developer and, when established, by the Design Review Board. The Design Review Board will keep the Town informed of the number of on-street and common spaces that remain available from time to time.

Commercial uses and residential uses within a live/work building configuration may share parking spaces subject to the approval of Town at time of building permit. The two spaces required for the residential unit in a live/work lot may be applied toward the number of spaces required for the commercial use if it can be adequately demonstrated that the spaces are available for the commercial use during the hours of operation for that use.

The Town may permit joint-use of required parking spaces where two or more uses are able to jointly use the same parking spaces because their demands occur at different times. To obtain this permission, the applicant must submit to the Town Administrator a building permit application, proposed use parking plan, and an analysis showing that (1) the peak parking times of each proposed use occur at different times, (2) that the parking area will meet the anticipated demands of all proposed uses, and (3) a shared parking agreement between both parties indicating mutual consent to shared parking.

Total PUD on-street parking allowances are shown on the Parking Allocation Map associated with each Final Plat. Allocation of on-street parking allowances shall occur at time of lot sale and be submitted to Town. Such allocation must be within 400' of the perimeter of the lot.

3. ***Parking Standards Exception***

Required off-street parking spaces may be allocated on-street or in any common parking lot by special review. Approval for each use shall be granted based on the number of on-street and common spaces available within the PUD. Requests to allocate on-street spaces shall be submitted to the Development Coordinator on application forms provided by the Town and with the required fee. The allocation review process for the first one hundred (100) off-street to on-street parking spaces for single-family residential, live/work residential and multi-family residential may occur administratively. After that, any additional requests shall be referred to the Planning Commission for a decision. Applications for special review shall include the following:

- (a) A site plan of the proposed building and parking on the lot.
- (b) A plan drawn to scale showing proposed on-street and off-street parking configuration.
- (c) The most current PUD parking table showing the total proposed on-street and off-street parking, the available off-street parking and the required on-street allocation.
- (d) Evidence and location of available on-street parking.

The Development Coordinator shall have fourteen (14) days after receipt of a complete application to prepare a written report approving, denying or conditionally approving the application based upon the following criteria. Additionally, the Development Coordinator shall in his/her sole discretion have the right to refer the application to the Planning Commission at the next regular meeting following the initial 14-day review period. The Planning Commissioner shall use the Development Coordinator's written report and the review criteria to approve, deny or conditionally approve the application.

Review Criteria:

- (a) Location of available parking and proximity to the proposed use.
- (b) Potential adverse impacts on adjacent sites.
- (c) Uses within the proposed building and the calculated parking demand.
- (d) Existing on-street parking load.
- (e) Other factors that may adversely impact availability of on-street parking.

4. ***Architectural Standards***

The Architectural Standards are set forth in the Development Standards and Design Guidelines. Architectural Standards will be developed in accordance with historical precedents of the Town and surrounding region.

5. ***Encroachments***

Any encroachment of structures or portions thereof, such as awnings or colonnades, into Town property will require Town approval at time of building permit pursuant to Section 16-12 of Town Code.

6. ***Signage & Lighting***

Signage and lighting shall be regulated by the Town Code or the Regulating Documents as approved by Town at time of final platting. All signs and outdoor advertising not specifically authorized by the Regulating Documents shall be subject to review and approval by the Design Review Board and the Town. Exterior lighting shall incorporate downcast fixtures utilizing full or partial cut-off fixtures and "dark sky" standards. A lighting plan shall be submitted with each preliminary plat identifying fixture type/specifications, bulb type/wattage and photometrics.

7. ***Landscaping***

Landscaping within the PUD shall comply with the Development Standards or Town Code requirements, whichever provides for the greatest number of plantings, using the Town Planting Guide as a reference, with the following exceptions:

(a) Internal Parking Lot Landscape Area – The percentage of parking lot area dedicated to internal landscaped areas requirement shall be waived for parking lots in mid-block locations that are shielded from the street by buildings.

(b) Site Features, Buffering and Screening – Screening requirements of service and loading areas shall be waived for rear and side-yard service and loading locations that are accessed by alleys and are shielded from the street by buildings.

(c) Waiver of Requirement on Number of Trees on Lot – Requirements regarding the number of trees to be planted on individual lots shall be waived, and shall be designated based on lot size within the Landscaping Standards, due to the variability of lot size and the number of trees provided within some public spaces. All landscaping shall conform to the Landscaping Plan approved as part of the final plat approval of the Cottonwood Meadows PUD.

8. ***Dimensional Requirements***

The dimensional requirements as set forth in the following table shall apply to the PUD.

COTTONWOOD MEADOWS LOT DIMENSIONAL STANDARDS

TYPE OF HOUSE	LOT SIZE			PRIMARY BUILDING			BACK BUILDING		COVERAGE	HEIGHT
	Min. Lot Area (sq.ft.)	Avg. Lot Area (sq.ft.)	Min. Lot Width (ft.)	Min. Front Yard Setback (ft.) NOTE (2)	Min. Side Yard Setback (ft.) NOTE (3)	Min. Rear Yard Setback (ft.) NOTE (4)	Min. Side Yard Setback (ft.) NOTE (5)	Min. Rear Yard Setback (ft.) NOTE (6)		
DETACHED										
	Cottages	1,500	3,000	24'	11' to 13'	3'	0'	0' or 3'	85%	35'
	Family Courts	1,500	3,000	24'	11' to 13'	3'	0'	0' or 3'	85%	35'
	Neighborhood	3,000	5,500	30'	11' to 15'	3'	0'	0' or 3'	70%	35'
	Creek Fronts	2,500	5,000	45'	13' to 16'	3'	0'	0' or 3'	70%	35'
	Manors	5,500	8,500	45'	16' to 22'	5'	10'	3'	65%	35'
	Estates	7,500	13,000	60'	16' to 22'	5'	10'	3'	60%	35'
ATTACHED										
	Town Houses/Live Work	1,500	2,700	18'	0'	0'	0'	0'	95%	35'
	Mixed Use	1,500	2,700	18'	0'	0'	0'	0'	95%	35'

NOTES:

- (1) Backbuilding Setbacks help define the streetwall and narrow the throat of the alley.
- (2) Primary Building Front Yard Setbacks will be specified for each lot on the Preliminary Plan. Encroachments into the public right of way are permissible subject to D.4 of the Regulating Code. Indicated are minimum ranges that will vary according to a lot's specific location within the Master Plan.
Porches, balconies, bay windows, stoops and other architectural elements may encroach into this setback.
- (3) Primary Building Side Yard Setbacks may be superceded by lot-specific build-to requirements, but in no case less than indicated in this table.
Encroachments into the public right of way are permissible subject to D.4 of the Regulating Code.
Chimneys, balconies, bay windows, stoops and other architectural elements may encroach into this setback up to 2'.
May be 0' if the adjacent lot is a live/work, townhouse, or mixed use lot designed to allow zero lot line construction.
- (4) Primary Building Rear Yard Setbacks, unless otherwise designated on the plat, but in no case less than indicated in this table.
Chimneys, balconies, bay windows, stoops or other architectural elements may encroach into this setback up to 2'.
- (5) Back Building Side Yard Setbacks may be superceded by lot-specific build-to zone or line requirements, but in no case less than indicated in this table.
Chimneys, balconies, bay windows, stoops and other architectural elements may encroach into this setback up to 2'.
- (6) Back Building Rear Yard Setbacks unless otherwise designated on plat, but in no case less than indicated in this table.
- (7) Heights in excess of 35' will be a variance subject to Town approval.
- (8) Developer reserves the right to establish lot setbacks at final plat that may be more restrictive than dimensions shown in this table.



9. ***Modifications***

Minor modifications of lot or Zone district boundary may occur at the time of final subdivision platting based upon detailed surveying. Notwithstanding C.R.S. §24-67-106, or any contrary provision in Town Code, as amended from time to time, the residents, occupants, and owners of the Property shall have enforcement rights as provided by law but shall have no right or standing with respect to any modifications of the Regulating Code or PUD Plan except as citizens before the Town Board of Trustees or Planning Commission. To the extent the provisions of the Regulating Code, PUD Plan and related plats, covenants, easements and other documents are approved by the Town, they run in favor of the Town and not the residents, occupants, and owners of the Property. The street standards approved herein may be modified as necessary to address issues such as fire apparatus turning radius, construction traffic, or a change in the approved PUD Plan for the Property.

10. ***Multiple Principal Buildings on a Single Lot***

Multiple Single-Family, Multi-Family, Live/Works or Mixed-Use principal buildings, which may or may not be condominiumized, may be built on a single lot subject to a site plan review. Applications for less than ten (10) principal buildings on a lot shall be subject to administrative site plan review by the Development Coordinator and applications for more than ten (10) principal buildings shall be subject to review by the Planning Commission. Applications shall include an accurately drawn, scaled and dimensioned 24x36 (or a smaller legible size acceptable to staff) site plan with the following information:

- (a) The location of all existing and proposed buildings, utilities, and other improvements on the property. A building envelope (a portion of the property within which a building may be located) may be shown for proposed buildings to allow minor adjustments;

(b) The location and number of parking spaces for off-street and on-street parking, loading areas and the finished surface material of the parking area (e.g., concrete, asphalt, or gravel);

(c) A traffic circulation plan showing the direction of traffic flows and indicating the locations of entries and exits of parking lots and the relationship of parking lots to entrances and exits of any buildings;

(d) Non-motorized circulation plan showing sidewalks, bicycle parking and other components providing access and circulation for pedestrians, bicycles and other non-motorized uses;

(e) The location of service and refuge collection areas;

(f) The area and location of open space, if any;

(g) The location of existing and proposed fences, proposed landscaping features and other methods of visual screening. The proposed landscaping plan shall indicate the areas to be landscaped including a list type, size and quantities of plant materials and the general location, if any, and the method of maintenance;

(h) The estimated date of completion of the proposed improvements; and

(i) Adjacent streets and rights-of-way and street improvements.

The Development Coordinator shall have fourteen (14) days after receipt of a complete application to prepare a written report approving, denying or conditionally approving the application. Additionally, the Development Coordinator shall in his/her sole discretion have the right to refer the application to the Planning Commission at the next regular meeting following the initial 14-day review period. All projects containing ten (10) or more principal buildings on a single lot shall be referred to the Planning Commission at the next available

meeting. The Planning Commission shall use the Development Coordinator's written report and the review criteria to approve, deny or conditionally approve the application.

11. *Appeals*

Appeals to or from any decision of the Town or any agency thereof may be made pursuant to Chapter 16, Article III of the Town Municipal Code.